

REMARKS

Restriction Requirement

Restriction (as presented by the Examiner) to one of the following inventions has been required under 35 USC 121:

- I. Claims 1-5, 11, 13-18, 22-25, 37-39, and 44-46, drawn to a method for modifying NMDA interactions with SRC, classified in class 435, subclass 7.2.
- II. Claims 6-10, 12, 26-29, 31-35, 40-43, and 47-49, drawn to a pharmaceutical composition comprising a peptide that inhibits NMDA-SRC interaction, classified in class 514, subclass 2.
- III. Claims 19-21, drawn to a peptide that anchors SRC to the NMDA receptor, classified in class 514, subclass 2.

Election

Applicants herein elect, without traverse, Group II (claims 6-10, 12, 16-18, 26-29, 31-35, 40-43 and 47-49; drawn to a pharmaceutical composition comprising a peptide that inhibits NMDA-SRC interaction) for prosecution on the merits. Applicants respectfully point out to the Examiner that original claims 30 and 36 were not included in any of the designated groups, however, since both claims 30 and 36 are drawn to a method, Applicants have

included them with Group I. Furthermore, Applicants note that claims 16-18 were included with Group I which is drawn to methods; however, since claims 16-18 are drawn to the pharmaceutical composition, Applicants have included them with Group II.

Claim Status

Claims 1-5, 11, 13-15, 19-25, 30, 36-39 and 44-46 are withdrawn from consideration. It is understood that claims 1-5, 11, 13-15, 19-25, 30, 36-39 and 44-46, drawn to the non-elected inventions (Groups I and III), will remain pending, albeit withdrawn from consideration on the merits at this time. Applicants retain the right to present the non-elected claims, 1-5, 11, 13-15, 19-25, 30, 36-39 and 44-46, in a divisional application(s). Claims 1-49 remain pending in the instant application.

Request for Rejoining of Claims

Considering that claims 1-5, 11, 13-15, 22-25, 30, 36-39 and 44-46 are carried out using the pharmaceutical composition of Group II, a search of these claims would encompass this pharmaceutical composition. Applicants respectfully request that the Examiner consider rejoining claims 1-5, 11, 13-15, 22-25, 30, 36-39 and 44-46 in the instant application, which are currently drawn to non-elected Group I, with claims of the elected Group II under the

decision in *In re Ochiai* (MPEP 2116.01), upon the Examiner's determination that claims of the elected invention are allowable and in light of the overlapping search. If the pharmaceutical composition is found to be novel, methods limited to its use should also be found novel.

CONCLUSION

Now that Applicants have fully responded to the Office Action mailed on May 1, 2006, an examination on the merits is respectfully requested.

Respectfully submitted,



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